IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4974 OF 2005

Hasan Khan ...Applicant

vs.

Ali Sabbar Khan and Others ...Respondents

Mr.Nitin Pradhan i/b Ms S.D.Khot for the Applicant
S/Shri N.S.Singh & Nitin Borale for Respondent Nos.1 to 3
Ms M.H.Mhatre,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 14,2005

P.C.:

1. Heard Advocates for the Applicant, the Advocate for the Respondent Nos.1 to 3 and the learned A.P.P. for State. The prayer in this application is for cancellation of anticipatory bail granted by the Sessions Court by order dated 18th July 2005 in favour of the Respondent Nos.1 to 3.

2. The learned Advocate for the Applicant pointed out that there was a prima facie material on record to show commission of offence under Section 326 of the Indian Penal Code and hence the order passed by the learned Sessions Judge is illegal. The learned A.P.P. on instructions stated that now the investigation has been completed and the charge sheet has been filed.

3. In view of the subsequent event of filing of charge sheet,

in my view, the prayer for cancellation of anticipatory bail cannot be considered. Nevertheless, it must be observed that prima facie, there is a substance in the submission of the learned Advocate for the Applicant that the approach of the learned Sessions Judge was erroneous. It is obvious that the tentative observations which are made by the learned Sessions Judge are for limited purposes of considering the prayer for grant of anticipatory bail and the same cannot bind the Trial Court at the time of trial.

4. Subject to what is stated above, Application is rejected.

JUDGE